

Appendix D

Progress Toward Meeting Superfund-Related Statutory Requirements

In response to a recommendation of the *Lautenberg-Durenberger Report on Superfund Implementation: Cleaning up the Nation's Cleanup Program*, EPA includes in this report the following matrix, which charts the progress of EPA and other government organizations in meeting statutory requirements imposed by SARA. The matrix lists all Superfund-related administrative and program implementation (rather than site-specific) requirements by statutory section, describes the mandated activity, indicates if the activity has been completed, and briefly describes what has been done to meet the requirement. If the activity has not been completed, its status is reported.

EPA and other government organizations have made significant progress towards meeting their statutory requirements. The matrix indicates that 34 of the 37 applicable one-time requirements with specific deadlines have been completed. Furthermore, 7 of the 12 requirements due annually have been completed for FY93 and the biannual requirement for FY93 has not been completed. Also, 25 of the 26 requirements with no specific deadline have been completed.

Progress Toward Meeting CERCLA-Related Statutory Requirements, as Amended by SARA^{1/}

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
102(a)	12/31/86 ^{2/}	EPA to promulgate final regulations establishing reportable quantities (RQs) for all hazardous substances for which proposed RQs were published prior to March 1, 1986.	Completed 05/08/92 —EPA promulgated final RQs for lead and methyl isocyanate in the <i>Federal Register (FR)</i> (56 <i>FR</i> 20014). 09/29/86, 08/14/89 —EPA promulgated final RQs for all hazardous substances (except for lead metal and methyl isocyanate) (51 <i>FR</i> 34534, 54 <i>FR</i> 33418, 54 <i>FR</i> 33426).
102(a)	12/31/86 ^{2/}	EPA to propose regulations establishing RQs for all hazardous substances for which proposed RQs were not published prior to March 1, 1986.	Completed 03/16/87 —EPA proposed RQs for all hazardous substances for which proposed RQs were not published prior to March 1, 1986 (52 <i>FR</i> 8140). EPA proposed RQs for radionuclides (52 <i>FR</i> 8172).
102(a)	04/30/88 ^{2/}	EPA to promulgate final regulations establishing RQs for all hazardous substances for which proposed RQs were not published prior to March 1, 1986.	Completed 05/08/92 —EPA promulgated final RQs for the 16 remaining hazardous substances (56 <i>FR</i> 20014). 08/14/89 —EPA promulgated final RQs for all hazardous substances (except for 14 lead-containing wastes, lead acetate, and lead phosphate) (54 <i>FR</i> 33418, 54 <i>FR</i> 33426). 05/24/89 —EPA promulgated final RQs for radionuclides (54 <i>FR</i> 22524).

^{1/} In this matrix, requirements of CERCLA, as amended by SARA, precede requirements of SARA that do not amend CERCLA.

^{2/} Deadline specified in statute rather than correlated to date of enactment.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
104(c)(9)	10/17/89	States to provide assurances of availability of hazardous waste treatment or disposal facilities.	<u>Completed 03/19/90</u> —All 50 states and the District of Columbia have submitted plans. <u>12/29/88</u> —EPA issued guidance to state officials on providing assurances (53 <i>FR</i> 52783).
104(i)(2)(A)	04/17/87	Agency for Toxic Substances and Disease Registry (ATSDR) and EPA to produce list of 100 hazardous substances most commonly found at National Priority List (NPL) sites that pose significant human health risks.	<u>Completed 04/17/87</u> —ATSDR and EPA published a list of the first set of 100 hazardous substances (52 <i>FR</i> 12866).
104(i)(2)(B)	10/17/88	ATSDR and EPA to produce list of a total of 200 hazardous substances including the first set of 100 substances most commonly found at NPL sites that pose significant human health risks.	<u>Completed 10/20/88</u> —ATSDR and EPA published a list of 200 hazardous substances which includes the first and second set of hazardous substances (53 <i>FR</i> 41280).
104(i)(2)(B)	10/17/89 ^{3/}	ATSDR and EPA to add no fewer than 25 hazardous substances to list of those most commonly found at NPL sites that pose significant human health risks.	<u>Completed 10/26/89, 10/17/90, 10/17/91</u> —EPA published three lists of 25 hazardous substances each (54 <i>FR</i> 43619, 55 <i>FR</i> 42067, 56 <i>FR</i> 52166). <u>11/25/91</u> —Corrections to the 10/17/91 list were published (56 <i>FR</i> 59331).
104(i)(2)(B)	10/17/92 ^{4/}	ATSDR and EPA to revise list of hazardous substances most commonly found at NPL sites that pose significant human health risks.	<u>10/17/91</u> —EPA expects to revise the list annually (56 <i>FR</i> 52166). <u>Completed 10/28/92</u> —Notice of availability of revised CERCLA Priority List of 275 Hazardous Substances was published (57 <i>FR</i> 48801).

^{3/} Due annually on this date through 1991.

^{4/} Due annually on this date beginning in 1992.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
104(i)(2)(B) (cont.)	10/17/92 ^{4/}		<u>Completed 02/28/94</u> —Notice of availability of revised CERCLA Priority List of 275 Hazardous Substances was published (59 <i>FR</i> 9486).
104(i)(3)	10/17/87 ^{5/}	ATSDR to prepare toxicological profiles on each of the hazardous substances on the list of those most commonly found at NPL sites that pose significant human health risks.	<p><u>Completed 10/15/87</u>—The first set of 25 profiles was announced for public comment (52 <i>FR</i> 38340). 04/06/89, 06/28/89, 12/01/89—Notices of availability of 15 final profiles were published (54 <i>FR</i> 14037, 54 <i>FR</i> 26417, 54 <i>FR</i> 49816). 12/17/90—Notice of availability of all 25 final profiles was published (55 <i>FR</i> 51775). <u>Completed 12/20/88</u>—The second set of 25 profiles was announced for public comment (53 <i>FR</i> 51192). 08/14/90—Notice of availability of final profiles was published (55 <i>FR</i> 33172). <u>Completed 10/17/89</u>—The third set of 30 profiles was announced for public comment (54 <i>FR</i> 42568). 06/13/91—Notice of availability of final profiles was published (56 <i>FR</i> 27261). 06/26/91—Notice of availability of the correction to final profiles was published (56 <i>FR</i> 29308).</p>

^{4/} Due annually on this date beginning in 1992.

^{5/} Profiles for original 100 hazardous substances on list must be completed at a rate of no fewer than 25 per year by 10/17/90.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
104(i)(3)3 (cont.)	10/17/87 ^{5/}		<p>Completed 10/16/90—The fourth set of 30 profiles was announced for public comment (55 <i>FR</i> 41881).</p> <p>09/12/91—An additional three fluoride compound profiles were announced for public comment (56 <i>FR</i> 46436).</p> <p>Completed 10/17/91—The fifth set of 19 profiles was announced for public comment (58 <i>FR</i> 52036).</p> <p>10/08/92—An additional five profiles were announced for public comment (57 <i>FR</i> 46393).</p> <p>03/26/93—Notice of availability of final profiles was published for 28 of 30 draft profiles in the fourth set (58 <i>FR</i> 16410).</p> <p>04/16/93—Notice of availability of corrections to final profiles was published (58 <i>FR</i> 19823).</p> <p>11/14/94—Notice of availability of the sixth set of profiles comprised of 6 final and 9 updated final profiles was published (59 <i>FR</i> 56498).</p>
104(i)(3)	^{5/}	ATSDR to revise and republish toxicological profiles.	<p>10/17/91—The first set of 20 updated draft profiles was published (56 <i>FR</i> 52086).</p> <p>11/25/91—Correction to the 20 updated profiles was published (56 <i>FR</i> 59330).</p> <p>10/08/92—Notice of availability of 10 updated draft profiles was published (57 <i>FR</i> 46393).</p> <p>10/18/93—Notice of availability of six updated drafts and five new draft profiles was published (58 <i>FR</i> 53739).</p>

^{5/} Profiles for original 100 hazardous substances on list must be completed at a rate of no fewer than 25 per year by 10/17/90.

^{5/} Profiles for hazardous substances must be revised within three years after addition to list.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
104(i)(3)	^{9/}		<p>10/1/93—Notice of the availability of 19 final updated profiles from the fifth set and two from the fourth set was published (58 FR 51352).</p> <p>10/21/94—Notice of availability of 8 updated draft profiles and 2 new draft profiles was published (59 FR 53186).</p>
104(i)(5)(A)	^{2/}	ATSDR, in consultation with EPA and the Public Health Service, to assess whether adequate information is available on the health effects of those hazardous substances most commonly found at NPL sites that pose significant human health risks.	ATSDR includes assessments in the "Adequacy of the Database" section of the toxicological profiles required by CERCLA Section 104(i)(3). Subsequently, ATSDR refines these assessments.
104(i)(5)(A)	^{2/}	ATSDR, in cooperation with the National Toxicology Program (NTP), to assure the initiation of a program of research designed to determine the health effects (and techniques for development of methods to determine such health effects) of substances for which adequate information is not available (or under development).	<p>Completed 09/11/89—ATSDR published <i>Decision Guide for Identifying Substance-Specific Data Needs Related to Toxicological Profiles</i> (54 FR 37618).</p> <p>03/28/90—ATSDR published the results of a pilot exercise that identified priority data needs for specific substances (55 FR 11566).</p> <p>10/17/91—The Substance-Specific Research Program was initiated, in which 38 substances were classified as priority leads (56 FR 52178).</p>
104(i)(5)(D)	10/17/87	EPA to promulgate regulations for the payment and recovery of costs of health effects research programs established under CERCLA Section 104(i)(5).	Completed 03/08/90 —The revised National Oil and Hazardous Substances Pollution Contingency Plan (NCP) satisfies the statutory requirement (NCP Subpart B 300.160(d) (55 FR 8666)); see also preamble to proposed rule (53 FR 51402).

^{9/} Profiles for hazardous substances must be revised within three years after addition to list.

^{2/} Specific deadline not stated in statute.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
104(i)(6)(A)	12/10/88 ^{2/}	ATSDR to complete health assessments for facilities proposed for the NPL prior to SARA's date of enactment.	Completed 12/08/88 —Health assessments were performed for 951 facilities.
104(i)(6)(A)	^{3/}	ATSDR to complete health assessments for facilities proposed for the NPL after SARA's date of enactment.	Ongoing —During FY93, ATSDR completed 233 health assessments, including 19 petitioned assessments. ATSDR also conducted 193 revisited assessments. (See ATSDR Section of Report.)
104(i)(10)	10/17/88 ^{2/}	ATSDR to submit report to EPA and Congress on ATSDR activities.	Completed August 1989, August 1990, February 1992, October 1994 —Volumes I and II of the 1987-88 biannual report, the 1989-90 biannual report, and the 1991-92 biannual report were submitted to EPA and Congress.

^{2/} Deadline specified in statute rather than correlated to date of enactment.

^{3/} Health assessments to be completed within one year of date of proposal on NPL.

^{2/} Due biannually from 10/17/88.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
104(i)(14)	^{2/}	ATSDR to assemble and develop as necessary, educational materials (including short courses) on the medical surveillance, screening, and methods of diagnosis and treatment of injury or disease related to exposure to hazardous substances. The material will be distributed to the states and upon request to medical colleges, physicians, and other health professionals.	<p><u>Completed 09/13/89</u>—ATSDR created the Division of Health Education to implement the ongoing program.</p> <p>FY90—ATSDR developed 40,000 case studies in environmental medicine, which were distributed through states, counties, and professional organizations; ATSDR negotiated and implemented 20 state cooperative agreements for physician education training in environmental medicine; and ATSDR developed a state training course materials and provided support to conduct training (2,800 health professionals trained).</p> <p>FY91—ATSDR funded the Association of State and Territorial Health Officials to implement state courses in risk communication (56 <i>FR</i> 41693); ATSDR funded state departments of health and departments of the environment to educate health professionals on hazardous substance exposure in the environment (56 <i>FR</i> 41694); and ATSDR funded the Association of Occupational and Environmental Clinics to improve the methodology for diagnosing injury related to hazardous substance exposure (56 <i>FR</i> 41691).</p>

^{2/} Specific deadline not stated in statute.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
104(i)(14) (cont.)	^{2/}	ATSDR to assemble and develop as necessary, educational materials (including short courses) on the medical surveillance, screening, and methods of diagnosis and treatment of injury or disease related to exposure to hazardous substances. The material will be distributed to the states and upon request to medical colleges, physicians, and other health professionals.	FY92 —More than 5,000 health professionals were trained during the fiscal year. ATSDR distributed over 110,000 copies of <i>Case Studies in Environmental Medicine</i> to health professionals. Five case studies were published in the <i>Journal of the American Academy of Family Physicians</i> . <i>Case Studies in Environmental Medicine: Nitrate/Nitrite Toxicity</i> was distributed to 38,000 members of the American Academy of Pediatrics. FY93 —More than 5,000 health professionals were trained during the fiscal year. ATSDR distributed over 69,000 copies of <i>Case Studies in Environmental Medicine</i> to health professionals. Seven case studies were published in the <i>Journal of the American Academy of Family Physicians</i> . Nine additional case studies in environmental medicine were produced. Seventeen cooperative agreements with states were operational in FY93 through which six communication workshops were conducted. (See ATSDR Section of Report.)
105(b)	04/17/88	EPA to revise the NCP.	Completed 03/08/90 —EPA published the revised NCP (55 FR 8666).
105(c)(1)	04/17/88	EPA to promulgate amendments to the hazard ranking system (HRS).	Completed 12/14/90 —EPA published the revised HRS (55 FR 51532).
105(c)(1)	10/17/88	EPA to establish effective date for the amended HRS.	Completed 12/14/90 —The revised HRS became effective 03/14/91, 90 days after publication in the <i>Federal Register</i> .

^{2/} Specific deadline not stated in statute.

CERCLA Section	Statutory Deadline	Requirement	Status
107(f)(2)(A)	^{2/}	EPA to designate federal natural resource trustees in the NCP.	Completed 11/20/85 —EPA designated federal natural resource trustees in Section 307.2 of the NCP (50 FR 47912). 03/08/90 —Section 300.72 of the NCP was revised and renumbered as Section 300.600 (55 FR 8666).
107(f)(2)(B)	^{2/}	States to designate state natural resource trustees and notify the Department of the Interior (DOI) of such designations.	48 states and four territories have officially designated natural resource trustees as of January 1995.
107(k)(6)	^{2/}	Comptroller General to conduct a study of options for the management of the liabilities associated with hazardous waste treatment, storage, and disposal sites after their closure.	Completed 06/01/90 —The General Accounting Office (GAO) published a report entitled <i>Hazardous Waste—Funding of Post-Closure Liabilities Remains Uncertain</i> (GAO/RCED-90-64).
109(d)	^{2/}	EPA to prescribe criteria (by regulation) for paying an award to any individual who provides information leading to the arrest and conviction of any person for a violation subject to criminal penalty under CERCLA.	Completed 05/05/88 —EPA issued an interim final rule (IFR) prescribing criteria for citizen awards for information on criminal violations under Superfund (53 FR 16086). 06/21/89 —EPA published a final rule identical to the IFR (54 FR 26142).
111(k)	Annually	Inspector General (IG) of federal agencies, departments, or instrumentalities to conduct audits and submit audit reports to Congress of all uses of the Hazardous Substances Trust Fund in the prior fiscal year.	Completed September 1988, September 1989, September 1990, September 1991, September 1992, September 1993, and September 1994 —EPA submitted FY87, FY88, FY89, FY90, FY91, FY92, and FY93 reports to Congress.

^{2/} Specific deadline not stated in statute.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
111(o)	01/17/87	EPA to develop and implement procedures to adequately notify concerned local and state officials of limitations on the payment of claims for response costs incurred for sites on NPL.	<u>Completed 02/05/87</u> —EPA published the notice of regulatory limitations on response claims (52 <i>FR</i> 3699). 09/13/89 —Proposed rule for response claims procedures for hazardous substances Superfund was published (54 <i>FR</i> 37892). 01/21/93 —Final rule was published (58 <i>FR</i> 5460).
112(b)(1)	^{2/}	EPA to prescribe appropriate forms and procedures for response claims filed under CERCLA.	<u>Completed 01/21/93</u> —EPA published the final rule (58 <i>FR</i> 5460). 09/13/89 —EPA published proposed regulations to establish response claims procedures (54 <i>FR</i> 37892). 02/08/93 —EPA published the IFR regarding administrative hearing procedures for claims asserted against Superfund (58 <i>FR</i> 7704). 01/03/94 —The final rule on administrative hearing procedures for claims asserted against Superfund was published (59 <i>FR</i> 25).
113(k)	^{2/}	EPA to promulgate regulations that will establish procedures for public participation in the development of the administrative record.	<u>Completed 03/08/90</u> —Regulations were included in revised NCP Subpart I (55 <i>FR</i> 8666).
116(a)(1)	01/01/88 ^{2/}	EPA to complete preliminary assessments (PAs) of all facilities contained on the CERCLA Information System (CERCLIS) as of SARA's date of enactment.	<u>Completed 01/01/88</u> .

^{2/} Specific deadline not stated in statute.

^{2/} Deadline specified in statute rather than correlated to date of enactment.

CERCLA Section	Statutory Deadline	Requirement	Status
116(a)(2)	01/01/89 ²	Following completion of PAs, EPA to complete site inspections (SIs) at facilities contained in CERCLIS as of SARA's date of enactment, as necessary.	<u>Completed December 1994</u> —All ten Regions have met the requirement.
116(b)	10/17/90	Following completion of PAs or SIs, EPA to complete evaluation of each facility listed in CERCLIS as of SARA's date of enactment, as warranted.	Following completion of PAs or SIs, EPA will take appropriate steps to mitigate, through remedial or removal authority or both, the threat at facilities based on the policy of addressing worst sites first.
116(d)(1)	10/17/89	EPA to start 275 remedial investigations/feasibility studies (RI/FSs).	<u>Completed May 1989.</u>
116(d)(2)	10/17/90	EPA to start a total of 450 RI/FSs only if 275 starts deadline not met.	<u>Not applicable</u> —Prior deadline met.
116(d)(2)	10/17/91	EPA to start a total of 650 RI/FSs only if 275 starts deadline not met.	<u>Not applicable</u> —Prior deadline met.
116(e)(1)	10/17/89	EPA to start 175 remedial actions (RAs) at individual NPL sites.	<u>Completed 02/01/90.</u>
116(e)(2)	10/17/91	EPA to start an additional 200 RAs at individual NPL sites.	<u>Completed during FY93</u>

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
117(e)	¹⁷	EPA to promulgate regulations for issuing Technical Assistance Grants.	Completed 10/01/92 —EPA published the final rule (57 FR 45311).
119(c)(7)	¹⁷	EPA to develop guidelines and promulgate regulations on the indemnification of response action contractors.	Completed 01/25/93 —EPA published the final guidelines (58 FR 5972).
119(c)(8)	09/30/89 ¹⁸	Comptroller General to report to Congress on application of CERCLA's provisions for the indemnification of response action contractors.	Completed 09/26/89 —GAO published a report entitled <i>Contractors Are Being Too Liberally Indemnified by the Government</i> (GAO/RCED-89-160).
120(c)	¹⁷	EPA to establish Federal Agency Hazardous Waste Compliance Docket and make available for public inspection.	Completed 02/12/88 —Notice of the initial list of 1,095 federal facilities was published (53 FR 4280). The public may review and copy specific documents in the Docket by contacting the Federal Facilities Docket Hotline.
120(c)	Semiannually	EPA to publish updates of Federal Agency Hazardous Waste Compliance Docket.	Completed 11/16/88, 12/15/89, 08/22/90, 09/27/91, 12/12/91, 07/17/92, 02/05/93, 11/10/93 —EPA published the first eight updates (53 FR 46364, 54 FR 51472, 55 FR 34492, 56 FR 49328, 56 FR 64898, 57 FR 31758, 58 FR 7298, 58 FR 59790).
120(d)	04/17/88	EPA shall take steps to assure that a PA is conducted for each facility on the initial Federal Agency Hazardous Waste Compliance Docket.	Completed 04/17/88 —EPA took steps to assure that federal agencies complied with this process prior to the statutory deadline. ¹⁹

¹⁷ Specific deadline not stated in statute.

¹⁸ Deadline specified in statute rather than correlated to date of enactment.

¹⁹ The Administrator's duty was, by April 1988, to reasonably facilitate completion of the preliminary assessments, not to guarantee that the other agencies would complete them by that date. In fact, EPA believes that it did take the required steps. We note, however, that a federal district court reached a different conclusion. (See *Conservation Law Foundation of New England v. Reilly*).

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
120(d)	04/17/89	Following PAs, EPA where appropriate evaluates federal facilities with criteria established in accordance with Section 105 under the NCP for determining priorities among releases; those facilities meeting the criteria are to be included on the NPL.	EPA evaluates federal facilities where appropriate. During FY93, 18 federal facilities were proposed to the NPL, bringing the total number of proposed sites to 20. Seven federal facility sites were listed as final, bringing the total to 123. Hence, there were 143 listed and proposed federal facility sites at the end of FY93.
120(e)(1)	^U	EPA and states to publish timetable and deadlines for completion of RI/FSs at federal facilities listed on NPL.	Schedules for completion of RI/FSs at federal facilities are routinely developed pursuant to interagency agreements (IAGs), or are published by EPA and the state when IAG negotiations are unsuccessful. IAGs have been signed for 120 of the 123 federal facility sites as of FY93.
120(e)(1)	10/17/87	Federal departments, agencies, or instrumentalities to begin RI/FSs for federal facilities listed on NPL prior to SARA's date of enactment.	<u>Not applicable</u> —No federal facilities were listed on NPL prior to SARA's date of enactment.
120(e)(1)	^W	Federal departments, agencies, or instrumentalities to begin RI/FSs for federal facilities listed on NPL.	07/22/87 —The first federal facilities were listed on NPL (52 FR 27620). CERCLIS reports that approximately 80 RI/FSs were started at federal facility sites during FY93.

^U Specific deadline not stated in statute.

^W Not later than six months after listing of federal facility on NPL.

CERCLA Section	Statutory Deadline	Requirement	Status
120(e)(2)	^{1/}	Federal departments, agencies, or instrumentalities to enter into IAGs with EPA for completion of RAs for federal facilities listed on NPL.	EPA policy is to enter into an IAG with federal facilities (listed on the NPL) during the RI/FS stage, prior to the RA stage. As a result, RA IAGs are completed well in advance of the statutory mandate. At the end of FY93, 120 IAGs had been signed including 6 IAGs signed during FY93. (See Federal Facility Cleanups Section of Report.)
120(e)(2)	^{2/}	Federal departments, agencies, or instrumentalities to begin RAs for federal facilities listed on NPL.	During FY93, approximately 20 RAs for federal facilities on the NPL began. (See Federal Facility Cleanups Section of Report.)
120(e)(3)	Annually with budget	Federal agencies to review alternative agency funding to provide for costs of RAs. Agencies to submit statement of the hazard posed by facilities and identify consequences of failure to begin and complete RAs.	<u>Completed January 1987, January 1988, January 1989, January 1990, January 1991, January 1992, January 1993</u> —Information is included in the annual budget submissions to Congress.
120(e)(5)	Annually	Federal agencies, departments, or instrumentalities to submit reports to Congress on progress in implementing CERCLA federal facility requirements.	<u>Completed May 1989, April 1990, September 1990, February 1992, and February 1994</u> —EPA's reports were included in FY87, FY88, FY89, FY90, and FY91 Reports to Congress, required under CERCLA Section 301(h)(1). <u>Ongoing March 1995</u> —FY92 and FY93 Reports to Congress are in review.

^{1/} Within 180 days after EPA review of RI/FS.

^{2/} Not later than 15 months after completion of RI/FS.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
120(h)(2)	04/17/88	EPA, in consultation with the General Services Administration, to promulgate regulations on the form and manner of notice required whenever any federal department, agency, or instrumentality enters into a contract to sell or transfer property owned by the United States on which a hazardous substance was stored, disposed, or released.	<u>Completed 04/16/90</u> —The final rule was published (55 <i>FR</i> 14208).
121(c)	^u	EPA to report to Congress a list of facilities for which a five-year review is required, the results of all such reviews, and any actions taken.	<u>Completed May 1989, April 1990, September 1990, February 1992, and February 1994</u> —EPA's reports were included in FY87, FY88, FY89, FY90, and FY91 Reports to Congress, required under CERCLA Section 301(h)(1). <u>Ongoing March 1995</u> —FY92 and FY93 Reports to Congress are in review.
121(f)	^u	EPA to promulgate regulations providing for state involvement in initiation, development, and selection of remedial activities.	<u>Completed 03/08/90</u> —Regulations are included in the revised NCP Subpart F (55 <i>FR</i> 8666).

^u Specific deadline not stated in statute.

CERCLA Section	Statutory Deadline	Requirement	Status
122(e)(1)	^{2/}	EPA to issue procedures for special notice regarding negotiation with potentially responsible parties.	<u>Completed 10/19/87</u> —EPA sent procedural guidelines to Regional Administrators from Assistant Administrator for OSWER (OSWER Directive #9834.10). <u>02/23/88</u> —Guidelines were published as <i>Interim Guidance on Notice Letters, Negotiations, and Information Exchange</i> (53 FR 5298). <u>02/07/89</u> —EPA published Appendix C to the Interim Guidance (Model Notice Letters) (OSWER Directive #9834.10).
122(e)(3)(A)	^{2/}	EPA to develop guidelines for preparing nonbinding preliminary allocations of responsibility (NBAR).	<u>Completed 05/28/87</u> —EPA published the interim final guidelines (52 FR 19919). <u>May 1991</u> —EPA published <i>Summary of "Interim Guidelines for Preparing NBARs"</i> (OSWER Directive #9839.1FS).
123(d)	10/17/87	EPA to promulgate regulations for reimbursement to local governments for costs incurred in responding to the release or threatened release of a hazardous substance, pollutant, or contaminant.	<u>Completed 01/15/93</u> —EPA published the final rule (58 FR 4816). <u>10/21/87</u> —IFR was published (52 FR 39386).
126(c)	FY88 budget request	EPA to submit report to Congress on hazardous waste sites on Indian lands.	<u>Completed 11/06/87</u> —Report entitled <i>Hazardous Waste Sites on Indian Lands</i> was submitted to Congress.
301(c)(1)	04/17/87	DOI to issue regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance.	<u>Completed 02/22/88</u> —Final regulations were published (53 FR 5166).

^{2/} Specific deadline not stated in statute.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
301(g)	10/17/87	Comptroller General to submit report to Congress on the results of the insurability study.	<u>Completed 10/16/87</u> —GAO published a report entitled <i>Issues Surrounding Insurance Availability</i> (GAO/RCED-88-2).
301(h)(1)	Annually	EPA to submit report to Congress on CERCLA implementation.	<u>Completed May 1989, April 1990, September 1990, February 1992, and February 1994</u> —EPA's reports were included in FY87, FY88, FY89, FY90 and FY91 Reports to Congress, required under CERCLA Section 301(h)(1). <u>Ongoing March 1995</u> —FY92 and FY93 Reports to Congress are in review.
301(h)(2)	¹⁷	EPA IG to review EPA's Report to Congress required under CERCLA Section 301(h)(1).	<u>Completed May 1989, April 1990, September 1990, and February 1992, September 1993</u> —EPA's reports included in FY87, FY88, FY89, FY90 and FY91 Reports to Congress, required under CERCLA Section 301(h)(1). <u>Ongoing March 1995</u> —FY92 and FY93 Reports to Congress are in review.
306(a)	¹⁴	Department of Transportation (DOT) to list and regulate hazardous substances, listed or designated under CERCLA Section 101(14), as hazardous materials under the Hazardous Materials Transportation Act.	<u>Completed 08/21/89</u> —DOT, through the Research and Special Programs Administration (RSPA), amended Hazardous Materials Regulations (HMR) by revising the <i>List of Hazardous Substances and Reportable Quantities</i> (54 FR 34666). <u>11/07/90</u> —RSPA published additional revisions to the list in the HMR (55 FR 46794).

¹⁷ Specific deadline not stated in statute.

¹⁴ Requirements to be completed by November 17, 1986, or at the time each substance is listed or designated as hazardous under CERCLA, whichever is later.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
310(d)(1)	^{2/}	EPA to issue regulations describing manner of notice of citizen suits.	<u>Completed 11/23/92</u> —EPA published the final rule (54 <i>FR</i> 55038). 12/28/92 —Correction to the final rule was published (51 <i>FR</i> 61612).
311(a)(1)	^{2/}	Department of Health and Human Services (HHS) to establish and support a basic hazardous substance research and training program.	<u>Completed 09/14/87</u> —HHS published a notice of availability of final National Institute of Environmental Health Sciences (NIEHS) Hazardous Substances Basic Research and Training Plan (52 <i>FR</i> 34721). HHS previously initiated steps to establish the program, including a draft program description published by HHS on 11/28/86 (51 <i>FR</i> 43089); and the first public meeting to solicit comments on 12/15/86.
311(a)(5)	^{2/}	HHS to appoint an advisory council to assist in implementing and coordinating activities for the hazardous substance research and training program established under CERCLA Section 311(a)(1).	<u>Completed 03/13/87</u> —HHS appointed the NIEHS Advisory Council on Hazardous Substances Research and Training (52 <i>FR</i> 7934). 07/20/87 —Advisory Council was first convened.
311(a)(6)	07/17/87	HHS, through NIEHS, to issue a plan to implement the hazardous substance research and training program established under CERCLA Section 311(a)(1).	<u>Completed 09/14/87</u> —Notice of availability of the final version of the NIEHS Hazardous Substances Basic Research and Training Plan was published (52 <i>FR</i> 34721).
311(b)(1)	^{2/}	EPA to carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative technologies.	<u>Completed December 1986</u> —EPA published the Superfund Innovative Technology Evaluation (SITE) Strategy and Program Plan (EPA/540/G-86/001). The program is ongoing.

^{2/} Specific deadline not stated in statute.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
311(b)(5)(B)	01/17/87 ^{15/}	EPA to publish a solicitation for innovative or alternative technologies suitable for full-scale demonstration at Superfund sites.	<u>Completed January 1986, January 1987, January 1988, January 1989, January 1990, January 1991, January 1992, January 1993, January 1994</u> —Solicitations were published.
311(b)(6)	^{16/}	EPA to initiate or cause to be initiated at least 10 field demonstration projects of alternative or innovative treatment technologies.	FY87 —1 site demonstration was completed. FY88 —6 site demonstrations were completed. FY89 —7 site demonstrations were completed. FY90 —4 site demonstrations were completed. FY91 —7 site demonstrations were completed. FY92 —15 site demonstrations were completed. FY93 —8 site demonstrations were completed.

^{15/} First solicitation due January 17, 1987; subsequent solicitations to be published no less often than annually.

^{16/} Due in fiscal years 1987, 1988, 1989, and 1990.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
311(b)(8)	^u	In carrying out the SITE program established under CERCLA Section 311(b)(1), EPA to conduct a technology transfer program and establish and maintain a central reference library on relevant information.	<p><u>Completed December 1986</u>—EPA announced the publication of program reports and documents (e.g., demonstration reports, bulletins) through the Center for Environmental Research Information.</p> <p><u>09/01/87</u>—EPA established the electronic Bulletin Board System (BBS), including a "SITE Conference."</p> <p><u>05/08/89</u>—EPA established the Alternative Treatment Technology Information Center (ATTIC). EPA eliminated the SITE Conference from the BBS; important program information is available through ATTIC.</p> <p><u>08/07/91</u>—SITE announced an update of the ATTIC system which will include bioremediation technologies (56 FR 37543).</p>
311(d)	^u	EPA to make grants to universities to establish and operate not fewer than five hazardous substance research centers.	<p><u>Completed FY89, FY90, FY91</u>—EPA made \$1 million grants to each of five hazardous substance research centers.</p> <p><u>Completed FY92</u>—EPA made two-year grants to five hazardous substance research centers for a total of \$1.4 million.</p>
311(e)	Annually with budget	EPA to submit report to Congress on progress of the SITE program established under CERCLA Section 311(b)(1).	<p><u>Completed February 1988, March 1989, March 1990, September 1991, October 1992, October 1993, July 1994</u>—FY87, FY88, FY89, FY90, FY91, FY92, and FY93 SITE program reports were submitted to Congress.</p>

^u Specific deadline not stated in statute.

<u>CERCLA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
312(e)	^u	EPA to conduct habitability and land use study of the Love Canal Emergency Declaration Area, and to work with New York State (NYS) to develop recommendations based upon the study results.	Completed 07/28/88 —The study was submitted to the NYS Commissioner of Health. September 1988 —The commissioner issued a follow-up report. 07/10/89 —Love Canal Land Use Advisory Committee issued recommendations. May 1990 —Love Canal Area Revitalization Agency published a final generic environmental impact statement. June 1990 —The Agency published the Love Canal Area Master Plan.

^u Specific deadline not stated in statute.

Progress Toward Meeting SARA-Related Statutory Requirements

<u>SARA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
118(b)	01/17/87	EPA to grant \$7.5 million to New Jersey for removal and temporary storage of radon contaminated soil.	<u>Completed 01/15/87</u> —The grant was made to New Jersey.
118(d)	07/01/87 ^{2/}	Comptroller General to submit report to Congress on study of shortages of skilled personnel in EPA.	<u>Completed 10/26/87</u> —GAO published a report entitled <i>Improvements Needed in Work Force Management</i> (GAO/RCED-88-1).
118(f)	03/01/87 ^{2/}	ATSDR to submit report to Congress on the nature and extent of lead poisoning in children from environmental sources.	<u>Completed 07/12/88</u> —The report entitled <i>Nature and Extent of Lead Poisoning in Children in the United States</i> was submitted to Congress.
118(j)	04/17/87	EPA to submit report to Congress on joint use of vehicles for transportation of hazardous and non-hazardous substances.	<u>Completed 04/20/87</u> —The report entitled <i>A Study of Joint Use of Vehicles for Transportation of Hazardous and Non-Hazardous Materials</i> was submitted to Congress (OSWER Directive #9360.6-01).
118(k)(1)	10/17/87	EPA to submit report to Congress on radon site identification and assessment.	<u>Completed 02/23/90</u> —The report was submitted to Congress.
118(k)(2)(A)	^{2/}	EPA to conduct a demonstration program to test methods and technologies of reducing or eliminating radon gas and radon daughters where it poses a threat to human health.	<u>Completed September 1985</u> —EPA established the Radon Action Program. Since the enactment of SARA, EPA has focused its program efforts to meet the statutory mandate.

^{2/} Deadline specified in statute rather than correlated to date of enactment.

^{2/} Specific deadline not stated in statute.

<u>SARA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
118(k)(2)(B)	02/01/87 ^{2/17}	EPA to submit report on radon mitigation demonstration program.	<u>Completed 06/12/87, 01/18/89, 02/26/90, 01/15/91</u> —The FY86, FY87, FY88, and FY89 reports have been submitted to Congress. <u>Ongoing January 1995</u> —The FY90 and FY91 reports are in the review process.
118(n)(1)	04/17/87	Department of Energy (DOE) to carry out program at the Liquified Gaseous Spills Test Facility. Program to test and evaluate technologies utilized in responding to liquified gaseous and other hazardous substance spills that threaten human health or the environment.	<u>Completed 06/30/87</u> —Memorandum of understanding was developed among DOE, EPA, and DOT. 1990 —Determinations were made of aqueous foams' effectiveness in extinguishing chlorosilane fires and vapor suppression; and near field behavior and aerosol formation from pressurized releases of Superfund liquids. An assessment of totally encapsulated chemical protective (TECP) suits' effectiveness in very high concentrations of toxic/hazardous chemicals was also made. 1991 —Testing of TECP suits continued. 1992 —Testing of TECP suits continued. Hazardous materials training was developed for spill control, mitigation, and cleanup.

^{2/} Deadline specified in statute rather than correlated to date of enactment.

¹⁷ Due annually on this date beginning in 1987.

<u>SARA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
118(n)(3)	¹⁷	EPA to enter into contracts and grants with a nonprofit organization in Albany County, Wyoming, to carry out program established under CERCLA Section 118(n)(1).	Completed 1988 —EPA entered into contract with the Western Research Institute (WRI) to carry out technology transfer program requirements under CERCLA Sections 118(n)(2)(A), (B), and (D). September 1990 —DOE entered into a second contract with WRI that is scheduled to run until 1995, which continues to address requirements under CERCLA Section 118(n)(2).
121(b)(2)	11/17/86	EPA Administrator to certify in writing that RODs or consent decrees covering Ras, signed within 30 days of enactment of SARA, comply to the maximum extent practicable with Section 121 of CERCLA.	Completed 11/17/86 —All three RODs that were signed comply; no consent decrees were lodged during this period.
126(a)	10/17/87	Department of Labor (DOL) to promulgate standards for the health and safety protection of employees engaged in hazardous waste operations.	Completed 03/06/89 —DOL published the standards (54 <i>FR</i> 9294).
126(f)	¹⁸	EPA to promulgate worker protection standards for employees of state and local government in non-state program states. The standards are to be identical to those contained in the Occupational Safety and Health Act regulations established by DOL under CERCLA Section 126(a).	Completed 06/23/89 —EPA published final standards (54 <i>FR</i> 26654).

¹⁷ Specific deadline not stated in statute.

¹⁸ Not later than 90 days after promulgation of DOL final regulations.

<u>SARA Section</u>	<u>Statutory Deadline</u>	<u>Requirement</u>	<u>Status</u>
205(h)	01/17/88		<u>Completed 01/15/88</u> —GAO published a report entitled <i>Insuring Underground Petroleum Tanks</i> (GAO-RCED-88-39).
211(a)	Annually	Secretary of Defense to submit report to Congress on progress in implementing Department of Defense Environmental Restoration Program.	<u>Completed March 1988, March 1989, February 1990, March 1991, February 1992, April 1993, March 1994</u> —FY87, FY88, FY89, FY90, FY91, FY92, and FY93 reports were submitted to Congress.